**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU**
&
**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

**WA.No. 2771 of 2007**
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AGAINST THE JUDGEMENT IN WPC.29222/2007 Dated 24/10/2007
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**APPELLANT/ PETITIONER**
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A.M.ABDULLA,
S/O.MUHAMMED,
AGED 58 YEARS,
ANCHAMPARTUTHIYIL,
CHENDAMANGALAM P.O.,
N.PARAVUR.

**BY ADV. SRI.C.K.ABDUL RAHIM**
**SRI.K.A.MANZOOR ALI**

**RESPONDENTS/RESPONDENTS**
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1. THE ACCOUNTS OFFICER,
BSNL, BSNL BHAVAN,
KALATHIPARAMBIL ROAD,
ERNAKULAM.

2. THE DEPUTY TAHASILDAR (REVENUE
RECOVERY),
TALUK OFFICE, N.PARAVUR.

**BY ADV. SHRI K. KESAVAN KUTTY, SC, BSNL.**

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L. DATTU, CJ. & K. M. JOSEPH, J.**

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**W.A. NO. 2771 OF 2007**

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**Dated this the 22nd November, 2007**

**JUDGMENT**

**H.L. DATTU, CJ.**

Questioning a portion of the Order passed by the learned Single Judge in W.P.(C). No.29222/07 dated 24.10.2007, the petitioner in the Writ Petition has presented this Writ Appeal.

2. Learned counsel for the appellant would submit that the learned Single Judge was not justified in directing the petitioner to deposit a sum of Rs.20,000/= within a particular time-frame, when the petitioner was not liable to pay any telephone charges.

3. Having gone through the facts of this case and having gone through the Order passed by the learned Single Judge, we are of the opinion that having remanded the matter to the Accounts Officer to re-do the matter in accordance with law, after hearing the petitioner, there was no reason for the learned Single Judge to have directed the petitioner to make certain deposit. In that view of the matter, while confirming the order passed by the learned Single Judge in all other respects, we set aside only that portion of the order where the petitioner was directed to deposit Rs.20,000/= within a time-frame. It is made clear that this Order of us shall not be treated as a precedent in any other case.

Ordered accordingly.

**H.L. DATTU,**
**CHIEF JUSTICE**

**K.M. JOSEPH,**
**JUDGE**

kbk.